

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**CAMPAIGN FOR SOUTHERN  
EQUALITY; FAMILY EQUALITY  
COUNCIL; DONNA PHILLIPS;  
JANET SMITH; KATHRYN  
GARNER; SUSAN HROSTOWSKI;  
JESSICA HARBUCK; BRITTANY  
ROWELL; TINORA SWEETEN-  
LUNSFORD; and KARI LUNSFORD,**

**Plaintiffs,**

**vs.**

**The MISSISSIPPI DEPARTMENT OF  
HUMAN SERVICES and RICHARD  
BERRY, in his official capacity as its  
Executive Director; PHIL BRYANT, in  
his official capacity as Governor of the  
State of Mississippi; JIM HOOD, in his  
official capacity as Mississippi Attorney  
General,**

**Defendants.**

**CIVIL ACTION  
NO. 3:15-cv-00578-DPJ-FKB**

**Oral Argument Requested**

**MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65, Plaintiffs Donna Phillips, Janet Smith, Kathryn Garner and Susan Hrostowski hereby move for a preliminary injunction to enjoin the enforcement of Section 93-17-3(5) of the Mississippi Code. The grounds for this motion are set forth in the memorandum of law that has been filed in support of this motion. The following declarations are also filed in support of this motion: Declaration of Janet Smith; Declaration of Susan Hrostowski.

Respectfully submitted,

Dated: August 28, 2015

**PAUL, WEISS, RIFKIND,  
WHARTON & GARRISON LLP**

By: /s/ Roberta A. Kaplan

Roberta A. Kaplan\*

*Lead Counsel*

Andrew J. Ehrlich\*

Joshua D. Kaye\*

Jacob H. Hupart\*

Alexia D. Koritz\*

1285 Avenue of the Americas

New York, NY 10019-6064

Tel:(212) 373-3000

Fax: (212) 757-3990

rkaplan@paulweiss.com

aehrlich@paulweiss.com

jkaye@paulweiss.com

jhupart@paulweiss.com

akoritz@paulweiss.com

**BRAZIL & BURKE, P.A.**

Meghann K. Burke\*

77 Central Avenue, Suite E

Asheville, NC 28801

Tel: (828) 255-5400

Fax: (828) 258-8972

meghann@brazilburkelaw.com

**MCDUFF & BYRD**

By: /s/ Robert B. McDuff

Robert B. McDuff

Bar No. 2532

Sibyl C. Byrd

Bar No. 100601

Jacob W. Howard

Bar No. 103256

767 North Congress Street

Jackson, Mississippi 39202

Tel: (601) 969-0802

Fax: (601) 969-0804

rbm@mcdufflaw.com

scb@mcdufflaw.com

jake@mcdufflaw.com

**ELLIS LAW FIRM, PLLC.**

Dianne Herman Ellis

Bar No. 102893

1145 Robinson Avenue

Ocean Springs, Mississippi 39564

Tel: (228) 215-0037

Fax: (228) 284-1889

diannernjd@aol.com

\* Admitted *pro hac vice*

*Attorneys for Plaintiffs Campaign  
for Southern Equality, Family  
Equality Council, Donna Phillips,  
Janet Smith, Kathryn Garner,  
Susan Hrostowski, Jessica  
Harbuck, Brittany Rowell, Tinora  
Sweeten-Lunsford, and Kari  
Lunsford.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on August 28, 2015, I electronically transmitted the above and foregoing document to the Clerk of the Court using the ECF system for filing and I hereby certify that I have sent via electronic mail to the following individuals who are not yet receiving documents via the ECF system in this matter:

The Mississippi Department of Human Services  
Office of the Attorney General of Mississippi  
Walter Sillers Building  
Suite 1200  
550 High Street  
Jackson, MS 39201

Richard Berry, in his official capacity as Executive Director of the  
Mississippi Department of Human Services  
Office of the Attorney General of Mississippi  
Walter Sillers Building  
Suite 1200  
550 High Street  
Jackson, MS

Governor Phil Bryant  
Office of the Attorney General of Mississippi  
Walter Sillers Building  
Suite 1200  
550 High Street  
Jackson, MS 39201

Attorney General Jim Hood  
Office of the Attorney General of Mississippi  
Walter Sillers Building  
Suite 1200  
550 High Street  
Jackson, MS 39201

By: /s/ Roberta A. Kaplan  
Roberta A. Kaplan  
Admitted *pro hac vice*  
N.Y. Bar No. 2507093  
Paul, Weiss, Rifkind,  
Wharton & Garrison LLP  
New York, NY 10019  
Tel: (212) 373-3000  
[rkaplan@paulweiss.com](mailto:rkaplan@paulweiss.com)